

Readoption Review

Children with Special Health Care Needs 410 IAC 3.2

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

The Indiana State Department of Health (ISDH) has responsibility for the regulation and administration of the Children's Special Health Care Services program under IC 16-35-2. In 1996, the Indiana General Assembly enacted IC 4-22-2.5, to establish automatic expiration of any rule in effect for more than seven years, and to create a streamlined method for readoption of such rules without change. In accordance with IC 4-22-2.5, 410 IAC 3.2 must be readopted if it is to remain in effect. IAC 3.2 are rules the agency uses to administer the Children's Special Health Care Services program. This article defines eligibility requirements, application processing, ISDH and county responsibilities, defines certification of licensed physicians serving children with special health care needs, establishes standards of care for children with special health care needs, establishes the types of care, services, and materials that the state department will reimburse, and establishes the duration of care that the state department will reimburse providers, and specifies funding mechanisms.

Readoption Analysis:

1) Is there a continued need for this rule?

IC 16-35-2 establishes the Children's Special Health Care Services program and requires the ISDH to adopt rules to administer the program. The statute IC 16-35-2 remain in effect so there is a continued need for the rule to provide specific administrative procedures for the program.

2) What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?

There is no record of any complaints or comments received from the public or small business concerning this rule or the implementation of this rule by the ISDH.

- 3) **Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.**

No complaints or comments have been received from small business about this rule or the implementation of it and the ISDH is only aware of one difficulty in administration of or compliance with this rule. There has been difficulty in FSSA's Division of Family Resources fully complying with the requirements of this rule. The requirements of the existing rule have been included in the contract requirements with IBM/ACS to perform FSSA eligibility outreach functions.

- 4) **To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?**

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances. This rule does support the requirements of Title V of the Social Security Act.

- 5) **When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?**

This rule has not been reviewed since I assumed responsibility as Director of CSHCS. There is no record of any previous formal review.

13 April, 2007